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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/636,656	08/11/2000	Gary P. Russell	USYS-0065 (TN208)	9193

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EXAMINER

GAUTHIER, GERALD

ART UNIT PAPER NUMBER

2645

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/636,656

Applicant(s)

RUSSELL ET AL.

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-8,10,11 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-8,10,11 and 16-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim(s) Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claim(s) at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claim(s) under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claim(s) was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim(s) that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Claim(s) 1, 3, 7-8 and 10-11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hyde-Thompson et al. (US 6,487,533 B2) in view of Osborne (US 6,078,733) and in further view of Picard et al. (US 6,233,318 B1).

Regarding **claim(s) 1**, Hyde-Thomson discloses a messaging system (column 1, lines 34-39) comprising:

at least one host computer (140 on FIG. 1), the host computer comprising a messaging platform (voice messaging application unit 220 on FIG. 2) upon which messaging applications are executed and a message store for storing messages received by the messaging platform (column 4, lines 49-67) [The voice gateway server 140 includes the voice messaging applications 220 which have multiple service applications such as storing the message and forward message to be played to subscribers];

at least one network interface unit (202 on FIG. 2) having a first interface to the messaging platform (299 on FIG. 2) on the host computer for communicating between the NIU and the messaging platform and a second interface (136 on FIG. 2) to a telephone network for receiving calls from the telephone network, (column 3, lines 45-64 and column 4, lines 40-48) [The network interface unit 202 have 2 interfaces interface 299 to interact with the voice messaging applications and 136 to receive from the PBX 120 calls from the telephone network via trunks 122, 124, 126]; and

at least one embedded services processor (TTS engine 242 on FIG. 2) coupled to the internal bus supporting communications with the first module and the second module of the NIU, the ESP comprising a processor, a memory (Phoneme library 252

on FIG. 2), and an operating system executing on the processor for executing software applications that are otherwise incapable of executing within the NIU, (column 5, lines 1-9) [The message inquiry unit 226 selects the text-to-speech engine 242 to translate message using software to translate textual data into speech which can not be done by the network interface unit].

Hyde-Thompson discloses internal buses in the voice gateway but fails to disclose an internal bus coupled to a first module having the first interface and coupled to a second module having the second interface.

However, Osborne teaches an internal bus coupled to a first module having the first interface and coupled to a second module having the second interface (FIG. 4 and column 11, lines 29-46).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Hyde-Thompson using the internal bus as taught by Osborne.

This modification of the invention enables the system to an internal bus coupled to a first module having the first interface and coupled to a second module having the second interface so that the system would situated in the same housing.

Hyde-Thompson discloses internal buses in the voice gateway but fails to disclose a network interface that supports an IP protocol.

However, Picard teaches a network interface that supports an IP protocol for communicating between the ESP and a network external to the messaging system, the

network connecting to at least one external server computer useful for multi-media processing for the messaging platform (FIG. 4 and column 6, lines 10-23).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Hyde-Thompson using the internet network as taught by Picard.

This modification of the invention enables the system to have a network interface that supports an IP protocol so that the system would send request to a remote server.

Regarding **claim(s) 3**, Picard teaches the operating system of the ESP operating system comprises Microsoft Windows NT (column 14, lines 47-52).

Regarding **claim(s) 7**, Hyde-Thomson discloses the ESP is capable of cooperating with commercially available messaging system hardware and operating system commodity software (column 5, lines 1-9).

Regarding **claim(s) 8**, Hyde-Thomson, Osborne and Picard discloses all the limitations of claim(s) 8 and furthermore Hyde-Thompson discloses executing software applications on the ESP that otherwise incapable of executing within the NIU, and executing at least one multimedia application for the messaging platform on an external server computer located on the network (FIG. 3 and column 7, lines 22-32).

Regarding **claim(s) 10**, Hyde-Thomson discloses the providing step further comprises initializing the ESP to cooperate with components of the messaging system and to communicate with the external network (column 5, lines 10-37).

Regarding **claim(s) 11**, Picard teaches executing at least one multimedia application comprises using an IP communication protocol to transfer data between the ESP and the external server computer on the external network (column 14, lines 47-52).

5. **Claim(s) 5 and 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hyde-Thompson, in view of Osborne, in view of Picard as applied to **claim(s) 1** above, and further in view of Carteau et al (US 5,283,879).

Regarding **claim(s) 5**, Hyde-Thomson as applied to **claim(s) 1** above differs from **claim(s) 5** in that it fails to disclose the bus implements a Multibus (IEEE 1296) open bus standard.

However, Carteau teaches the bus implements a Multibus (IEEE 1296) open bus standard (column 6, lines 44-52).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Hyde-Thomson using the Multibus (IEEE 1296) open bus standard as taught by Carteau.

This modification of the invention of Hyde-Thomson would link with different types of memory so that the subscriber would playback its messages.

Regarding **claim(s) 6**, Carteau teaches the ESP communicates to other NIU interfaces using messaging protocols and standards in accordance with the Multibus (IEEE 1296) open bus standard (column 6, lines 44-52).

6. **Claim(s) 16-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hyde-Thompson, in view of Osborne, in view of Picard as applied to **claim(s) 1 and 8** above, and further in view of Didcock (US 6,396,907 B1).

Regarding **claim(s) 16**, Hyde-Thomson as applied to **claim(s) 1** above differs from **claim(s) 16** in that it fails to disclose the ESP is capable of engaging a variety of operating states comprising RESET.

However, Didcock teaches the ESP is capable of engaging a variety of operating states comprising any of: RESET, IDLE, INITIALIZING, UN PENDING, RUNNING, and SHUTDOWN (column 10, lines 22-34).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Hyde-Thomson using the Reset command as taught by Didcock.

This modification of the invention of Hyde-Thomson would allow the system to be reset so that the subscriber would record its messages.

Regarding **claim(s) 17 and 19**, Didcock teaches the RESET state may be invoked by any of the other operating states (column 10, lines 22-34).

Regarding **claim(s) 18**, Didcock teaches the ESP is capable of engaging a variety of operating states comprising any of: RESET, IDLE, INITIALIZING, UNPENDING, RUNNING, and SHUTDOWN (column 10, lines 22-34).

Response to Arguments

7. Applicant's arguments with respect to **claim(s) 1, 3, 5-8, 10-11 and 16-19** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

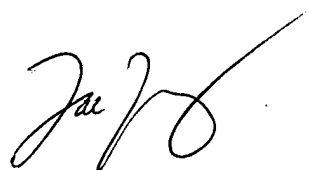
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GERALD GAUTHIER
PATENT EXAMINER

g.g.
May 1, 2005


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